

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided. Applicants also acknowledge with appreciation the indication that claims 3 and 5 contain allowable subject matter on Page 3 of the Official Action.

Applicants submit that the instant amendment is proper for entry after final rejection. Applicants note that no question of new matter nor are any new issues raised in entering the instant amendment of the claims and that no new search would be required.

Moreover, Applicants submit that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicants request that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and both pending claims.

Upon entry of the above amendments, claims 2 and 4 will have been amended, and claims 3 and 5 will have been canceled. Claims 2 and 4 are currently pending. Applicants respectfully request reconsideration of the outstanding rejection, and allowance of both claims pending in the present application.

Applicants note that the subject matter of allowable claims 3 and 5 (which the Examiner has indicated as being allowable) has been added to independent claims 2 and 4, respectively, which should not be taken as an acquiescence to the propriety of the outstanding rejection. Further, Applicants expressly reserve the right to submit

claims of related scope in another application. Thus, the cancellation of claims 3 and 5 is without prejudice. Accordingly, Applicants respectfully request an early indication of the allowance of all of the pending claims.

Claims 1, 2 and 4 were rejected under 35 U.S.C. § 102(e). As noted above, claims 2 and 4 has been amended to include the subject matter of claims 3 and 5 (which the Examiner has indicated as being allowable), respectively. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. § 102(e) is improper, and respectfully requests reconsideration and withdrawal of the rejection, and an early indication of the allowance of this claim.

In view of the remarks contained-herein, Applicants submit that independent claims 2 and 4 are in condition for allowance.

Thus, it is respectfully submitted that both of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Respectfully submitted,
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A handwritten signature in cursive script, appearing to read "Will Boshnick".

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